

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
Southwest Power Pool, Inc.
Docket Nos. ER15-2423-000
ER15-2433-000
ER15-2498-000

October 8, 2015

Tessie Kentner, Attorney
Southwest Power Pool, Inc.
201 Worthen Drive
Little Rock, AR 72223

Reference: Network Integration Transmission Service Agreements and
Network Operating Agreements

Dear Ms. Kentner:

On August 12, 2015, August 13, 2015 and August 20, 2015, Southwest Power Pool, Inc. (SPP) filed executed Network Integration Transmission Service Agreements (NITSA) between SPP as Transmission Provider and Westar Energy, Inc. (Westar) as Network Customer and executed Network Operating Agreements (NOA) between SPP as Transmission Provider, Westar as both Network Customer and Host Transmission Owner (together, Agreements). SPP requests waiver of the Commission's 60-day notice requirement to permit an August 1, 2015 effective date for changes to the Agreements including updated wholesale distribution service charges. Pursuant to authority delegated to the Director, Division of Electric Power Regulation – Central, under 18 C.F.R. § 375.307, the Agreements in the above referenced dockets are accepted for filing sixty days from the date of filing, effective October 12, 2015, October 13, 2015 and October 20, 2015, respectively.¹ Waiver of the Commission's 60-day prior notice requirement (18 C.F.R. § 35.11) for the Agreements is denied, as discussed below.²

¹ See Appendix.

² It appears that contrary to the requirements of section 35.3 of the Commission's regulations, 18 C.F.R. § 35.3 (2014), SPP failed to file the

Absent a strong showing of good cause, the Commission's policy is to deny waiver of the notice requirement for rate increases.³ SPP has not made such a showing. For any revenues collected before the effective date, SPP must refund the time value of the difference between the increased rate and the existing rate actually collected for the time period during which the increased rate was charged without Commission authorization.⁴ Accordingly, SPP must make time value refunds within 30 days of the date of this letter order and file a refund report with the Commission within 30 days thereafter.⁵

Notices of the filings were issued on August 12, 2015, August 13, 2015, and August 20, 2015, with interventions and protests due on or before September 2, 2015, September 3, 2015 and September 10, 2015, respectively. Under 18 C.F.R. § 385.210, interventions are timely if made within the time prescribed by the Secretary. Under 18 C.F.R. § 385.214, the filing of a timely motion to intervene makes the movant a party to the proceeding, if no answer in opposition is filed within fifteen days. The filing of a timely notice of intervention makes a State Commission a party to the proceeding. No adverse comments were filed.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such action is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

Agreements in a timely manner. SPP is reminded that it must submit filings on a timely basis or face possible sanctions by the Commission.

³ *Central Hudson Gas & Electric Corp., et al.*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089 (1992), and *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified*, 65 FERC ¶ 61,081 (1993).

⁴ *El Paso Electric Company*, 101 FERC ¶ 61,276, *reh'g denied*, 105 FERC ¶ 61,131 (2003).

⁵ The refund report should be submitted in eTariff using the following coding: Type of Filing Code 1130 – Refund Report.

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This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Penny S. Murrell, Director
Division of Electric Power
Regulation - Central

Appendix

Docket No. ER15-2423-000

Southwest Power Pool, Inc., FERC FPA Electric Tariff, [Service Agreements Tariff>1890 Westar NITSA NOA, 1890 Westar Energy, Inc. NITSA NOA, 3.0.0.](#)

Docket No. ER15-2433-000

Southwest Power Pool, Inc., FERC FPA Electric Tariff, [Service Agreements Tariff>1897 Westar NITSA NOA, 1897 Westar Energy, Inc. NITSA NOA, 3.0.0.](#)

Docket No. ER15-2498-000

Southwest Power Pool, Inc., FERC FPA Electric Tariff, [Service Agreements Tariff>2491 Westar NITSA NOA, 2491 Westar NITSA NOA, 3.0.0.](#)

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